

REMARKS

This Amendment is being filed in response to the Office Action mailed February 7, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-18 remain in this application, where claims 1 and 18 are independent.

By means of the present amendment, claims 1-16 and 18 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A' and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-16 and 18 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner indicated that the information disclosure statement (IDS) filed March 15, 2006 fails to comply with 37 CFR 1.98(a)(2) for not supplying a legible copy of non-patent literature, namely, WO 99/30492 and WO 01/47238. In

response a legible copies of WO 99/30492 and WO 01/47238 are enclosed. Accordingly, consideration of all the art cited in the information disclosure statement is respectfully requested.

In the Office Action, claims 1-18 are rejected under 35 U.S.C §103(a) as allegedly unpatentable over U.S. Patent No. 7,203,952 (Broadus) in view of U.S. Patent Application Publication No. 2001/0013126 (Lemmons). It is respectfully submitted that claims 1-18 are patentable over Broadus and Lemmons for at least the following reasons.

Broadus is directed to a passive program completion status indicator for an electronic program guide. As correctly noted by the Examiner on page 3 of the Office Action, Broadus does not teach or suggest determining an ordered content item list by ordering the content items in response to content item duration indication of each content item, as recited in independent claims 1 and 18. Lemmons is cited in an attempt to remedy the deficiencies in Broadus.

Lemmons is directed to an interactive program guide systems. As clearly shown in FIG 7 and recited on page 8, paragraph [0082], Lemmons discloses sorting by:

"**Telecast Time**," "Alphabetize," and sort in "Channel" order, but it may also include sort by "Rating." (Emphasis added)

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 18, amongst other patentable elements recites (illustrative emphasis provided):

determining a content item duration indication for each of the plurality of content items, wherein the content item duration indication is related to a duration of each content item;

determining an ordered content item list by ordering the plurality of content items in response to the content item duration indication of each content item; and

presenting the ordered content item list as the selection list to a user.

Determining an ordered content item list by ordering the content items in response to content item duration indication of each content item, where the content item duration indication is related to a duration of each content item, is nowhere taught or suggested in Broadus, Lemmons, and combination thereof. Rather, Lemmons merely discloses sorting by start or telecast time.

Accordingly, it is respectfully submitted that independent claims 1 and 18 are allowable, and allowance thereof is

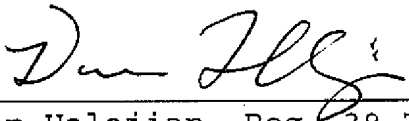
respectfully requested. In addition, it is respectfully submitted that claims 2-17 should also be allowed at least based on their dependence from independent claim 1.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Amendment in Reply to Office Action mailed on February 7, 2008

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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WO 01/47238

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